

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID ALAN PICKELHAUPT,

Petitioner,

v.

CASE NO. 07-13844
HONORABLE VICTORIA A. ROBERTS

RAYMOND BOOKER,

Respondent.

ORDER

- (1) **DENYING PETITIONER'S MOTIONS FOR RECONSIDERATION,**
(2) **GRANTING PETITIONER'S MOTIONS FOR A**
CERTIFICATE OF APPEALABILITY, AND
(3) **GRANTING LEAVE TO APPEAL IN FORMA PAUPERIS**

Petitioner David Alan Pickelhaupt has appealed the Court's Opinion and Order dismissing his Habeas Corpus Petition for failure to comply with the one-year statute of limitations. Currently pending before the Court are Petitioner's motions for reconsideration, for a certificate of appealability, and for leave to proceed without prepayment of the appellate filing fee.

The Court **DENIES** Petitioner's Motions for Reconsideration [Docs. 13 and 16] because Petitioner has failed to show that the Court was misled by a palpable defect. Local Rule 7.1(g)(3) (E.D. Mich. Dec. 1, 2005). The Motions for a Certificate of Appealability [Docs. 14 and 20] are **GRANTED** because reasonable jurists could debate whether Petitioner was entitled to equitable tolling of the statute of limitations and whether the Habeas Petition states a valid claim of the denial of a constitutional right. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Petitioner's Application to Proceed without Prepayment of Fees [Doc. 12] also is **GRANTED**.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: June 3, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se petitioner by electronic means or U.S. Mail on June 3, 2008.

s/Carol A. Pinegar

Deputy Clerk